

1 Watershed Evaluation and Mitigation Addendum, 2000

2 Proposed Rule Language

3
4 **Amend 14 CCR § 895 Abbreviations Applicable Throughout Chapter.**

5 **Note: The following abbreviation may be added to this section in alphabetic**
6 **order.**

7 WEMA Watershed Evaluation and Mitigation Addendum

8
9 Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources
10 Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525,
11 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552,
12 4582 and 21080.5, Public Resources Code.

13 **Amend 14 CCR § 895.1 Definitions.**

14 **Note: The following definition may be added to this section in alphabetic**
15 **order.**

16 "Limiting Factors for Anadromous Salmonids" means those factors that
17 affect any life stage of an anadromous salmonid. These factors are: water
18 quality, water quantity, sedimentation, temperature, large woody debris, and
19 nutrients.

20 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6,
21 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections
22 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2,
23 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA
24 Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code
25 of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246
Cal.Rptr. 82.

1 Adopt 14 CCR §§ 916.13 [936.13, 956.13] Watershed Evaluation and Mitigation
2 Addendum (WEMA).

3 (a) In lieu of implementation of a stated rule under 14 CCR §§ 916.9
4 [936.9, 956.9], 916.11 [936.11, 956.11] and 923.9 [943.9, 963.9], a plan
5 submitter may incorporate in the plan a Watershed Evaluation and Mitigation
6 Addendum (WEMA). The WEMA shall provide a focused approach to:

- 7 (1) evaluating watershed conditions,
8 (2) developing mitigation measures to maintain or improve watershed
9 conditions, and
10 (3) preparing and implementing a timber harvesting plan based on the
11 evaluations and mitigation measures.

12 The WEMA will also develop significant watershed data that will be
13 incorporated into more detailed, future watershed assessments and analyses.

14 (b) Where provision is made for site specific practices to be proposed
15 by the RPF, approved by the Director and included in the THP in lieu of a
16 stated rule under 14 CCR §§ 916.9 [936.9, 956.9], 916.11 [936.11, 956.11] and
17 923.9 [943.9, 963.9]; within the WEMA, the RPF shall:

- 18 (1) reference the standard rule,
19 (2) explain and describe each proposed practice, how it differs from
20 the standard practice, and the specific locations where it shall be applied;
21 and

22 (3) explain and justify how the protection provided by the proposed
23 practice is adequate to comply with the rules under 14 CCR §§ 916.9(a)
24 [936.9(a), 956.9(a)].

1 (c) The in lieu practice(s) must provide for the protection of the
2 beneficial uses of water to the standards of 14 CCR 916.3 [936.3, 956.3] and
3 916.4(b) [936.4(b), 956.4(b)].

4 (d) In lieu practices stated in a WEMA that has been incorporated into
5 an approved THP shall have the same enforceability and legal authority as
6 those practices required by the standard rules.

7 (e) Any in lieu practices that propose less than the standard WLPZ
8 widths for Class I watercourses required under 14 CCR §§ 916.9(f) [936.9(f),
9 956.9(f)] shall include 14 CCR 916.5. (e) [936.5(e), 956.5(e)] "A" & "D"
10 protection measures.

11
12 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
13 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
14 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
15 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
16 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
17 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
18 Cal.App.3d 440; 246 Cal.Rptr. 82.

19
20 **Adopt 14 CCR §§ 916.13.1 [936.13.1, 956.13.1] Pre-Consultation.**

21
22 **Alternative 1**

23 A WEMA submitter electing to confer with responsible federal, state,
24 and local agencies, adjacent landowners, watershed groups, recognized local
25 watershed experts, and members of the public before and during the process of
preparing a WEMA shall provide the Department, on submission of the WEMA, a

1 list of parties contacted and a summary of, and responses to the issues
2 discussed and comments received.

3
4 **Alternative 2**

5 A WEMA submitter is encouraged to confer with responsible federal,
6 state, and local agencies, adjacent landowners, watershed groups, recognized
7 local watershed experts, and members of the public before and during the
8 process of preparing a WEMA, and shall provide the Department, on submission
9 of the WEMA, a list of parties contacted and a summary of, and responses to
10 the issues discussed and comments received.

11
12 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
13 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
14 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
15 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
16 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
17 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
18 Cal.App.3d 440; 246 Cal.Rptr. 82.

19
20 **Adopt 14 CCR §§ 916.13.2 [936.13.2, 956.13.2] Notice of Preparation of a**
21 **WEMA.**

22 (a) A WEMA shall be submitted by the person who owns, leases, contracts
23 or operates on timberland included in the WEMA.

24 (b) Where the timber is owned by parties other WEMA submitter, the
25 landowner shall give prompt written notice of such WEMA to those parties.

1 **ALTERNATIVE 1**

2 (c) The WEMA submitter shall prepare and submit to the Director a
3 Notice of Preparation of a WEMA (Notice) at least sixty (60) days prior to
4 the date of submission of the WEMA.

5
6 **ALTERNATIVE 2**

7 (c) The WEMA submitter shall prepare and submit to the Director a
8 Notice of Preparation of a WEMA (Notice) at least thirty (30) days prior to
9 the date of submission of the WEMA.

10
11 (d) The Notice shall include the following information:

12 (1) The name of the WEMA submitter.

13 (2) The location of the evaluation area by county, section, township,
14 and range, and the approximate direction and distance to the evaluation area
15 from the nearest community or well-known landmark.

16 (3) The number of the Calwater planning watershed.

17 (4) The acreage of the area to be included in the WEMA.

18 (e) The person submitting the WEMA shall publish the Notice in a
19 newspaper of general circulation in the area, concurrently with submission of
20 the Notice to the Director. Proof of publication of the Notice shall be
21 provided to the Director with the submission of Notice to the Director.

22
23 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
24 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
25 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game

Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Adopt 14 CCR §§ 916.13.3 [936.13.3, 956.13.3] Notice of Preparation of a WEMA-Distribution by Director.

The Director shall distribute copies of each Notice of Preparation of a WEMA within two working days of receipt to:

(a) The Office of the County Clerk of the county in which operations are proposed for posting at the customary place for posting environmental affairs.

(b) The local Ranger Unit headquarters for posting.

(c) At such other locations as the Director may deem desirable and feasible to provide adequate public notice.

Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

1 **Adopt 14 CCR §§ 916.13.4 [936.13.4, 956.13.4] WEMA Submitter Responsibility.**

2 The WEMA submitter shall:

3 (a) Provide the Director with the name, address, and telephone number
4 of the person preparing the WEMA.

5 (b) Ensure that a licensed professional conducts any activities that
6 require a license. In order for a WEMA preparer to fulfill all of his or her
7 responsibilities with regard to the preparation of a WEMA, if the expertise
8 that is prudently required exceeds the expertise possessed by the WEMA
9 preparer in that regard, the WEMA preparer may need to utilize the services
10 of other qualified experts, including, but not limited to, RPFs,
11 archaeologists, botanists, civil engineers, ecologists, fisheries biologists,
12 geologists, hydrologists, land surveyors, landscape architects, range
13 scientists, soil scientists, or wildlife biologists. The use of
14 interdisciplinary teams is strongly encouraged, as needed, taking into
15 account practicality and reasonableness.

16 (c) Provide the WEMA preparer with complete and correct information
17 regarding pertinent legal rights to, interests in, and responsibilities for
18 land, timber, and access as these affect the planning and conduct of timber
19 operations.

20 (d) Sign the WEMA certifying knowledge of the WEMA contents and the
21 requirements of this section.

22
23 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
24 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
25 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game

1 Code; Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.(1976) 59

2 Cal. App.3d 959; 131 Cal.Rptr. 172; and Laupheimer v. State (1988) 200

3 Cal.App.3d 440; 246 Cal.Rptr. 82.

4
5 **Adopt 14 CCR §§ 916.13.5 [936.13.5, 956.13.5] Evaluation Area.**

6 The evaluation area shall be:

7 (a) No smaller than a second order watershed with an anadromous fish
8 bearing Class I watercourse, except third order or smaller basins flowing
9 directly into the ocean shall also be considered an appropriate evaluation
10 area. Stream order shall be determined from the most recent USGS 7.5 minute
11 quadrangle map.

12 (b) No larger than a CalWater planning watershed, except WEMA
13 submitters may use a larger evaluation area when explained and justified in
14 the WEMA, and approved by the Director.

15 (c) Comprised of a logical hydrologic unit.

16
17 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
18 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
19 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
20 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
21 Code; Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.(1976) 59
22 Cal. App.3d 959; 131 Cal.Rptr. 172; and Laupheimer v. State (1988) 200
23 Cal.App.3d 440; 246 Cal.Rptr. 82.

1 **Adopt 14 CCR §§ 916.13.6 [936.13.6, 956.13.6] Standards for WEMA Preparation.**

2 The standards for the preparation of a WEMA are as follows:

3 (a) The submitter shall provide documentation of the information and
4 evaluation approaches used to reach the findings and mitigations presented.

5 The information and evaluation methods must be adequate to support the
6 findings and mitigations. Scientifically or professionally accepted
7 approaches shall be used.

8 (b) Field evaluation will be conducted for the WEMA. The information
9 for the evaluation shall include both watershed area and site-specific
10 information to support the evaluation and conclusions about the mitigations
11 developed in the WEMA. Field data collection will be for the submitter's
12 ownership within the evaluation area and may be combined with field data from
13 other landowners in the watershed.

14 (c) The sufficiency of information and evaluation necessary in the WEMA
15 shall be guided by the principles of practicality and reasonableness
16 considering the size of the ownership, publicly available information,
17 information available within the organization and allied associations, cost
18 of collecting new information, and the risks posed by the scope and intensity
19 of anticipated management activities. The level of information required
20 shall be reasonable given the ability of the submitter to obtain information
21 about and physical access to various parts of the evaluation area.

22 (d) WEMAs shall use an adaptive management approach. WEMAs will
23 incorporate more recently developed information and the results from various
24 monitoring efforts. Future WEMAs submitted in the same evaluation area must
25 reflect any significant changes in watershed conditions; results of
monitoring conducted under earlier WEMAs; significant, newly available

1 information; changes in mitigations proposed; and the new timber operations
2 being proposed.

3
4 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
5 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
6 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
7 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
8 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.*(1976) 59
9 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
10 Cal.App.3d 440; 246 Cal.Rptr. 82.

11
12 **Adopt 14 CCR §§ 916.13.7 [936.13.7, 956.13.7] Contents of a WEMA.**

13 A WEMA shall include the following information to the extent
14 appropriate for the evaluation area, with primary emphasis on the area owned,
15 controlled, or leased by the submitter:

16 (a) A problem statement identifying:

17 (1) the limiting factors for anadromous salmonids and other beneficial
18 uses of water for waters that are within or drain from the evaluation area,

19 (2) watershed conditions that cause or contribute to such identified
20 limiting factors, and

21 (3) the authorities referenced or consulted to make these
22 determinations.

23 (b) A synthesis of findings and conclusions (working hypothesis) about
24 the association between limiting factors for anadromous salmonids, which may
25 include other beneficial uses of water, watershed conditions, and management
activities.

1 (c) Proposed goals for watershed conditions within the ownership, and
2 limiting factors for anadromous salmonids based on consultation with
3 responsible State and Federal agencies.

4 (d) Proposed mitigation measures addressing the sources and causes of
5 the identified limiting factors and to achieve the stated goals.

6 (e) A map showing the evaluation area and area within the evaluation
7 area owned, controlled, or leased by the submitter, and a map locating the
8 evaluation area within the Hydrologic Area, as defined by CALWATER.

9 (f) Where sediment is identified as a limiting factor, the WEMA shall
10 include the following information:

11 (1) Identification on a map and description of:
12

13 **Alternative 1**

14 (A) improperly abandoned, abandoned, existing, and planned roads and
15 landings, and roads and landings planned for abandonment, including
16 characteristics such as known problem locations, surfacing, hydrologically
17 connected inside ditches that drain directly into watercourses, and other
18 relevant characteristics, and
19

20 **Alternative 2**

21 (A) existing, planned, and abandoned roads and landings; roads no
22 longer in use; and roads and landings planned for abandonment, including
23 characteristics such as known problem locations, surfacing, hydrologically
24 connected inside ditches that drain directly into watercourses, and other
25 relevant characteristics, and

1 (B) watercourse crossings, including flood flow design capacity, fill
2 failure protection, diversion potential;

3 (2) Identification on a map of where historic, existing, and reasonably
4 foreseeable future management features, such as roads, landings, and harvest
5 areas, are coincident with areas of potential slope instabilities based on
6 field observation and geologic and geomorphic features maps such as those
7 published by the Division of Mines and Geology (DMG) and others. Modeled
8 areas of potential shallow slope instabilities should be used to augment the
9 published maps. Assumptions used in the models shall be stated.

10 (3) A quantitative estimate of the surface area of current roads and
11 landings;

12 (4) Identification on a map of corridors whereby sediment can directly
13 enter or is entering a watercourse(s);

14 (5) Identification of opportunities to divert road drainage, including
15 water and sediment, from direct input to watercourses;

16 (6) Map and report estimated acres:

17 (A) treated with burning and mechanical site preparation methods within
18 the past 10 years,

19 (B) reasonably foreseeable probable future projects for burning and
20 mechanical site preparation methods, and

21 (C) substantially damaged by fire within the past 10 years.

22 (7) A verification of information provided, where available, by the
23 Department identifying historic harvest areas by silvicultural system;

1 **Alternative 1**

2 (8) For each of items 1 - 6, above, provide a discussion of the
3 sediment delivery potential of these features and propose mitigations to
4 avoid or reduce sediment delivery from these features.

5
6 **Alternative 2**

7 (8)(A) For each of items 1 - 6, above, provide a discussion of the
8 sediment delivery potential of these features and propose mitigations to
9 avoid or reduce sediment delivery from these features.

10 (B) For each of items 1 - 5, above, "Road(s)" does not include tractor
11 roads.

12
13 (g) Aquatic and riparian habitat:
14

15 **Alternative 1**

16 (1) An aquatic habitat type map using habitat typing at a minimum of
17 Level II as defined in Department of Fish and Game publication "California
18 Salmonid Stream Habitat Restoration Manual", Flosi, et al., 1998 for all Class
19 I watercourses where populations of anadromous salmonids that are listed as
20 threatened, endangered, or candidate under the State or Federal Endangered
21 Species Acts are currently present or can be restored within the ownership
22 considered by the WEMA;
23
24
25

1 **Alternative 2**

2 (1)(A) An aquatic habitat type map using habitat typing at a minimum of
3 Level II as defined in Department of Fish and Game publication "California
4 Salmonid Stream Habitat Restoration Manual", Flosi, et al., 1998, or

5 (B) A map designating stream reaches and an accompanying summary and
6 description of each reach using habitat typing at a minimum of Level II as
7 defined in Department of Fish and Game publication "California Salmonid Stream
8 Habitat Restoration Manual", Flosi, et al., 1998.

9 This shall be provided for all Class I watercourses where populations
10 of anadromous salmonids that are listed as threatened, endangered, or
11 candidate under the State or Federal Endangered Species Acts are currently
12 present or can be restored within the ownership considered by the WEMA;

13
14 **Alternative 3**

15 (1) an aquatic habitat type map, based on a complete stream survey or
16 an appropriate sampling methodology developed utilizing available map,
17 digital, or other data on topography, geology, and vegetation, and using a
18 minimum level of detail that allows determination of pool:riffle ratios by
19 stream reach for all Class I watercourses where populations of anadromous
20 salmonids that are listed as threatened, endangered, or candidate under the
21 state or federal Endangered Species Acts are currently present or can be
22 restored, within the ownership considered in the WEMA;

23
24 **Alternative 4**

25 (1) an aquatic habitat type map, based on a complete stream survey or
an appropriate sampling methodology developed utilizing available map,

1 digital, or other data on topography, geology, and vegetation, and using at a
2 minimum, a level of detail comparable to DFG Level II typing for all Class I
3 watercourses where populations of anadromous salmonids that are listed as
4 threatened, endangered, or candidate under the state or federal Endangered
5 Species Acts are currently present or can be restored, within the ownership
6 considered in the WEMA.

7
8 (2)(A) For Class I watercourses, an inventory of fish passage
9 restrictions and pool/riffle ratio(s), and a sample-based inventory of
10 watercourse features such as channel aggradation, down cutting, scour, bank
11 cutting, large woody debris or boulder based pool structure;

12 (B) For Class II watercourses, a sample-based inventory of watercourse
13 features such as channel scour, down cutting, bank cutting, and large woody
14 debris that may be recruited to a Class I watercourse;

15 (3) A discussion of habitat types and watercourse feature findings,
16 including large woody debris, streamside canopy, presence of fine or coarse
17 sediment in the watercourse channel, availability and filling of pools,
18 availability and quality of spawning gravels, and other key fish habitat
19 features;

20 (4) A map(s) or summary table(s) by watercourse segment(s) of
21 vegetation structure (e.g., large trees, tree diameter classes, and canopy
22 closure) and tree species type (i.e., conifer, deciduous, or mixed). This
23 requirement relates to potential for large woody debris recruitment,
24 watercourse temperature control, nutrient inputs, sediment and overland flow
25 dissipation within standard WLPZ widths including those of 916.9 [936.9,

1 956.9], or wider, of Class I watercourses and Class II watercourses within
2 200 feet of an anadromous fish bearing Class I watercourse; and

3 (5) Identification of water diversions, drafting, impoundments, and
4 other flow alterations, including a discussion of such flow alterations on
5 low summer flows.

6
7 **Alternative 1**

8 (6) For each of the items 1 - 5 above, provide a discussion of
9 potential impacts to salmonid habitat, which may include other beneficial
10 uses of water, and propose mitigations to maintain or improve conditions.

11
12 **Alternative 2**

13 (6)(A) For each of the items 1 - 5 above, provide a discussion of
14 potential impacts to salmonid habitat, which may include other beneficial
15 uses of water, and propose mitigations to maintain or improve conditions.

16 (B) For each of the items 1 - 5 above, Class I watercourses are those
17 where populations of anadromous salmonids that are listed as threatened,
18 endangered, or candidate under the State or Federal Endangered Species Acts
19 are currently present or can be restored.

20
21 **Alternative 1**

22 (h) A monitoring section addressing a projected period of 3 to 8 years
23 to evaluate implementation of site-specific mitigation measures developed to
24 address protection of aquatic habitat, and if included, other beneficial uses
25 of water.

1 **Alternative 2**

2 (h) A monitoring section addressing a projected period of 3 to 8 years
3 to evaluate implementation and initial effectiveness of site-specific
4 mitigation measures developed to address protection of aquatic habitat, and
5 if included, other beneficial uses of water.

6
7 **Alternative 1**

8 (i) The information required to be mapped under this subsection shall
9 be provided on a USGS quadrangle or equivalent topographical map of a scale
10 not less than 2" to the mile. Additional maps may be required to show
11 specific details, and may be planimetric. A legend shall be included
12 indicating the meaning of the symbols used.

13
14 **Alternative 2**

15 (i) The information required to be mapped under this subsection shall
16 either be provided:

17 (1) on a USGS quadrangle or equivalent topographical map of a scale not
18 less than 2" to the mile. Additional maps may be required to show specific
19 details, and may be planimetric. A legend shall be included indicating the
20 meaning of the symbols used, or

21 (2) on a standard digital format USGS quadrangle or equivalent
22 topographical map of a scale of not less than 2 inches:1 mile. Additional
23 standard digital format maps may be required to show specific details, and
24 may be planimetric. A legend shall be included indicating the meaning of the
25 symbols used.

1 **Alternative 3**

2 (1) The information required to be mapped under this subsection shall
3 be provided on a standard digital format USGS quadrangle or equivalent
4 topographical map of a scale of not less than 2 inches:1 mile. Additional
5 standard digital format maps may be required to show specific details, and
6 may be planimetric. A legend shall be included indicating the meaning of the
7 symbols used.

8
9 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
10 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
11 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
12 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
13 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
14 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
15 Cal.App.3d 440; 246 Cal.Rptr. 82.

16
17 **Adopt 14 CCR §§ 916.13.8 [936.13.8, 956.13.8] Notice of Submission of a WEMA.**

18 (a) The Director shall prepare a notice of submission which shall
19 contain the basic information contained in the Notice of Preparation of a
20 WEMA (14 CCR 916.13.2 (936.13.2, 956.13.2)).

21 (b) Within two working days of the date the WEMA is received, the
22 Director shall transmit copies of the Notice of Submission to:

23 (1) The person submitting the WEMA.

24 (2) The office of the County Clerk of the county(s) in which the area
25 of evaluation is included. The notice shall be posted at the normal place
for posting environmental notices.

1 (3) The local Ranger Unit headquarters for posting.

2 (4) At such other locations as the Director may deem desirable and
3 feasible to provide adequate public notice.

4 (5) All public agencies having custodial responsibility for lands
5 [resources] within the evaluation area.

6 (6) The CDF website.

7
8 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
9 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
10 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
11 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
12 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
13 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
14 Cal.App.3d 440; 246 Cal.Rptr. 82.

15
16 **Adopt 14 CCR §§ 916.13.9 [936.13.9, 956.13.9] Submission of a WEMA.**

17 (a) The WEMA, when opted for by the landowner shall be submitted to the
18 Department at least 60 days before submission of any THP that will rely on
19 the information contained in the WEMA.

20
21 **Alternative 1**

22 (b) A WEMA may be submitted in a standard digital format acceptable to
23 the Department to facilitate review and the development of an electronic
24 information base for future assessment efforts on the subject watersheds.

1 **Alternative 2**

2 (b) A WEMA shall be submitted in a standard digital format acceptable
3 to the Department to facilitate review and the development of an electronic
4 information base for future assessment efforts on the subject watersheds.

5
6 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
7 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
8 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
9 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
10 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
11 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
12 Cal.App.3d 440; 246 Cal.Rptr. 82.

13
14 **Adopt 14 CCR §§ 916.13.10 [936.13.10, 956.13.10] Agency and Public Review of**
15 **a WEMA.**

16 (a) Upon receipt of the WEMA in accordance with 14 CCR §916.13.1
17 [936.13.1, 956.13.1] the Director shall place it, or a true copy thereof, in
18 a file available for public inspection, and shall transmit a copy to the
19 Department of Fish and Game, the appropriate California Regional Water
20 Quality Control Board, the Department of Conservation, Division of Mines and
21 Geology, the Department of Parks and Recreation, the county planning agency
22 and, if the areas are within their jurisdiction, to the California Coastal
23 Commission. The Director shall also transmit a copy of any specific WEMA to
24 any person who has made a written request therefore. The Department shall
25 bill such persons for the cost of providing such copies and such monies shall
be paid to the Department.

1 The Director shall invite written comments, and will consider these
2 comments. All comments regarding WEMAs shall be in writing and shall be
3 addressed to the Director at the regional office where the WEMA is filed.

4 (b) An Interdisciplinary review team shall be established by the
5 Director to assist the Director in reviewing the WEMA and to determine
6 whether it contains adequate information and evaluation to support its
7 findings and recommended mitigations.

8
9 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
10 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
11 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
12 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
13 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
14 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
15 Cal.App.3d 440; 246 Cal.Rptr. 82.

16
17 **Adopt 14 CCR §§ 916.13.11 [936.13.11, 956.13.11] Compliance Monitoring and**
18 **Expanded Completion Report**

19 In addition to the requirements of Public Resources Code §4585, at the
20 conclusion of operations, the timber owner or owner's agent shall file an
21 Expanded Completion Report that lists the evaluation-generated prescriptions
22 called for in the THP and confirms their implementation. The information
23 provided by the timber owner or owner's agent shall be verified through
24 inspections conducted by the Department in coordination with other review
25 team agencies; and also through Monitoring Study Group efforts to evaluate

1 the implementation and effectiveness of Forest Practice Rules and, to the
2 extent feasible, prescriptions developed by the submitter.

3
4 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
5 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
6 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
7 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
8 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59
9 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
10 Cal.App.3d 440; 246 Cal.Rptr. 82.

11
12 **Adopt 14 CCR §§ 916.13.12 [936.13.12, 956.13.12] Effectiveness Monitoring.**

13 THP mitigation effectiveness monitoring and watershed trend monitoring
14 will be carried out according to a THP that incorporates a WEMA and as part
15 of updating and re-using WEMA information for subsequent THPs over time.

16 This monitoring may be proposed to be accomplished through individual
17 landowner efforts, and cooperative agency and land owner agreements.

18 Monitoring results shall be verified through inspections conducted by the
19 Department in coordination with other review team agencies including
20 inspections of mitigation maintenance; and also through Monitoring Study
21 Group efforts to evaluate the implementation and effectiveness of Forest
22 Practice Rules and, to the extent feasible, prescriptions developed by the
23 submitter.

24
25 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,

21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.*(1976) 59
Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
Cal.App.3d 440; 246 Cal.Rptr. 82.

Adopt 14 CCR §§ 916.13.13 [936.13.13, 956.13.13] Adaptive Management.

Where a plan submitter chooses to prepare a WEMA, the information
gathered from previous monitoring within the evaluation area shall be
considered in the WEMA to identify impacts and develop mitigation measures
for incorporation into the THP.

Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.*(1976) 59
Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
Cal.App.3d 440; 246 Cal.Rptr. 82.

**Adopt 14 CCR §§ 916.13.14 [936.13.14, 956.13.14] Subsequent Plans Within the
WEMA Area.**

Alternative 1

Once a plan incorporating a WEMA has been approved, subsequent plans
within that WEMA evaluation area may incorporate the WEMA without the notice

requirements of 14 CCR §916.13.2 [936.13.2, 956.13.2] and the separate review pursuant to §916.13.10 [936.13.10, 956.13.10] unless:

(a) The plan is inconsistent with provisions of the WEMA;

(b) The submitter proposes significant changes to the WEMA; or

(c) Significant new information is available and is, or should be, added to the WEMA.

Alternative 2

(a) Once a plan incorporating a WEMA has been approved, subsequent plans within that WEMA evaluation area may incorporate the WEMA without the notice requirements of 14 CCR §§ 916.13.2 [936.13.2, 956.13.2] and the separate review pursuant to 14 CCR §§ 916.13.10 [936.13.10, 956.13.10] unless:

(1) The plan is inconsistent with significant provisions of the WEMA;

(2) The submitter proposes significant changes to the WEMA; or

(3) Significant new information is available and is, or should be, added to the WEMA.

(b) New information that is, or should be, added to a WEMA is not significant unless the WEMA is or should be changed in a way that, without a new notice and public review, the public would be deprived of a meaningful opportunity to comment upon a potential significant adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the RPF or plan submitter has declined to address in the WEMA or plan. "Significant new information" requiring a new notice pursuant to 14 CCR §§ 916.13.2 [936.13.2, 956.13.2]

1 and an additional review pursuant to 14 CCR §§ 916.13.10 [936.13.10,
2 956.13.10] shall include, for example:

3 (1) A new significant environmental impact would result from a project
4 or from a new mitigation measure proposed to be implemented within the WEMA
5 area.

6 (2) A substantial increase in the severity of an environmental impact
7 would result unless mitigation measures are adopted that reduce the impact to
8 a level of insignificance.

9 (3) A feasible project alternative or mitigation measure considerably
10 different from others previously analyzed would clearly lessen the
11 significant environmental impacts of a project within the WEMA area, but the
12 RPF or plan submitter declines to adopt it.

13 (c) A new notice and public review are not required where the new
14 information added to the WEMA merely clarifies or amplifies or makes
15 insignificant modifications in an otherwise adequate WEMA or THP.

16 (d) If significant changes or the addition of significant new
17 information requiring a new notice and public review are limited to a few
18 portions of the WEMA, the Director shall provide notice and require public
19 review of only those portions that have been modified.

20
21 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
22 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
23 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
24 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
25 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.*(1976) 59

1 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
2 Cal.App.3d 440; 246 Cal.Rptr. 82.

3
4 **Adopt 14 CCR §§ 916.13.15 [936.13.15, 956.13.15] HCP Exemption.**

5 The provisions of 14 CCR § 916.13 [936.13, 956.13] shall not apply to a
6 plan that is subject to an incidental take permit based upon an approved
7 Habitat Conservation Plan that addresses anadromous salmonid protection.

8
9 Note: Authority cited: Sections 4551, 4562.7, 21000(g) and 21080.5, Public
10 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6,
11 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections
12 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game
13 Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.*(1976) 59
14 Cal. App.3d 959; 131 Cal.Rptr. 172; and *Laupheimer v. State* (1988) 200
15 Cal.App.3d 440; 246 Cal.Rptr. 82.

16
17
18 doh: 7/18/2000

19 File: Proposed Rule Language
20
21
22
23
24
25